

## **SUB-CHAPTER 2.23**

### **ADMINISTRATION AND ENFORCEMENT**

#### **SECTION**

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**14-2.2301. Enforcing officer.** The provisions of this ordinance shall be administered and enforced by the Municipal Building Inspector. The official shall have the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. (Ord. No. 338, Sec. 16 (A))

**14-2.2302. Building permit required.** It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to commence the moving, alteration or repair of any structure including accessory structures, where the alteration or repair will affect the appearance, structural stability, fire resistance or intended use, until the Municipal Building Inspector has issued for such work a building permit including a statement that the plans, specifications, and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made in writing to the Municipal Building Inspector on forms provided for that purpose. (Ord. No. 338, Sec. 16 (B))

**14-2.2303. Approval of plans and issuance of building permit.** It shall be unlawful for the Building Inspector to approve any plans or issue a building permit for any excavation or construction within the City until he has inspected such plans and found them conforming with the provisions of this ordinance. The Building Inspector shall require that all plans for construction be drawn to scale and submitted in duplicate and that they show:

- (1) Actual shape, location, and dimensions of the lot to be built upon.
- (2) The shape, size, height, and location of all buildings to be erected, altered, or moved and of any building already on the lot.
- (3) The existing and intended use of all such buildings.
- (4) Such other information concerning the lot and adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause. Issuance of a permit shall, in no case, be construed as waiving any provision of this ordinance.

A building permit shall become void one year from the date of issuance, unless an extension of not more than one year is granted by the Building Inspector on proper application in writing thereof. (Ord. No. 338, Sec. 16 (C ))

**14-2.2304. Foundation survey required.** The Codes Enforcement Division, of the Planning and Codes Department, may require a foundation survey prepared by a registered land surveyor if any of the following criteria are met:

(1) Where proposed new structure or addition to an existing structure, as reflected on the submitted site plan and building drawings, extends within ten (10) feet or less of a required side, rear or front setback or a dedicated utility easement.

(2) Where a new structure or addition to an existing structure is placed on a site with steep topography or wooded terrain that would make field verification difficult to determine accurately.

(3) Where existing property pin locations cannot be found due to construction activity or where they appear to have been improperly relocated on the property.

When a building permit is issued, that includes footing and foundation work, a foundation survey must be submitted to the Planning and Codes Department within fifteen (15) days of an approved footing inspection. If said survey has not been submitted for review and approval, within that fifteen (15) day period, all work must cease. A foundation survey will show the location of the foundation as-built or by pins set by the surveyor, once the footers have been poured. The location of the building on the lot, including all cantilevered portions, shall be within the required setbacks. Any setback violations found must be corrected.

**14-2.2305. Certificate of occupancy required.** No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof, are found to be in conformity with the provisions of this ordinance.

Within three days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a certificate of occupancy, if the land, building, or premises or part thereof and the proposed use thereof, are found to conform with the provisions of this ordinance. If such certification is refused he shall state the reasons in writing therefor.

Pending the issuance of a regular certificate a temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way waiving the respective rights, duties or obligations of the owners or of the City relating to the use of occupancy of the premises or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

The decision of the Building Inspector shall be final, unless reversed, annulled, or modified as hereinafter set forth. (Ord. No. 338, Sec. 16 (D))

**14-2.2306. Penalties.** Any person violating any provision of this ordinance, upon conviction shall be fined not less than two (\$2.00) dollars nor more than fifty (\$50.00) dollars for each offense. Each day such violation continues shall not constitute a separate offense. Provided, however, in case of appeal or other court review of any conviction under this ordinance, each day such violation continues shall constitute a separate offense during the pendency of such appeal or review. (Ord. No. 338, Sec. 16 (E))

**14-2.2307. Remedies.** In case any building or structure is erected, constructed, re-constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the Building Inspector of the municipality or any other appropriate authority or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies, may institute injunction,

mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; or to correct, or abate such violation; or to prevent the occupancy of such building, structure, or land. (Ord. No. 338, Sec. 16 (F))